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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,163	12/11/2000	David McElvaney		4205

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Max Stul Oppenheimer
P. O. Box 50
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EXAMINER

HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
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2645

4

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,163

Applicant(s)

MCELVANEY, DAVID

Examiner

Allan Hoosain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5 and 15 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 6-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 2-3,6-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-5 recite the limitation "the ring and status signal" in line 2 respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,4-5,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Peterson et al.** (US 6,728,546) in view of **Couse** (US 6,006,088).

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As to Claim 1, with respect to Figures 1-6, **Peterson** teaches a remote cordless internet telephony device comprising:

a remote cordless telephone comprising a remote cordless telephone handset, 30, and an internal or external cordless telephone base unit, 22, (Figure 3 and Figure 2 and Col. 7, lines 19-22, Col. 9, line 67 through Col. 10, line 2);

said remote cordless telephone handset comprising a microphone, a speaker, a dialpad, a handset rf transceiver for communication with a base unit transceiver (Figure 3),

circuitry for translating audio information input to said microphone to an rf signal as an input to said handset rf transceiver (Col. 21, lines 5-9),

circuitry for translating input from said handset rf transmitter means to an electrical signal as an input to said speaker (Col. 21, lines 5-9), and

circuitry for translating a keypress on said dialpad into signals as an input to said handset rf transmitter (Col. 22, lines 51-65);

said cordless telephone base unit connected to a computer, 20, comprising a base unit rf transceiver, 16, for communication with said handset rf transceiver (Figure 1A and Figure 2),

means for determining whether said communication represents user selections or audio information (Col. 7, lines 55-50, 58-61 and Col. 22, lines 51-53),

circuitry for translating communications from said handset rf transceiver into digital form for transmission to a computer (Col. 8, lines 10-18),

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circuitry for receiving digital data from said computer and translating said digital data to a form suitable for transmission to said base unit rf transceiver (Col. 8, lines 3-8), and

means for transmitting signals between said base unit rf transceiver and said computer (Col. 7, lines 28-67);

a computer having a connection to a digital telephony network and a connection to said cordless telephone base unit (Col. 7, lines 64-67),

said computer executing software programmed to

accept data from said cordless telephone base unit (Col. 7, lines 58-64),

transmit audio information input from said cordless telephone base unit to said digital telephony network (Col. 7, lines 64-67),

receive audio information input from said digital telephony network, convert it to a form suitable for said cordless telephone base unit and transmit it to said cordless telephone base unit (Col. 8, lines 1-8);

whereby one user may carry on a voice conversation with a second user over said digital telephony network (Col. 8, lines 20-23, 43-45);

Peterson does not teach the following limitations:

“remote cordless base unit” and “DTMF tones”

However, it is obvious that **Peterson** suggests DTMF tones and remote cordless base units. This is because **Peterson** teaches external base units and conventional keypad capability on the

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cordless handset used for entering telephone numbers (Col. 18-22 and Col. 22, lines 51-56).

Couse teaches a remote cordless base unit integrated externally with a computer and with DTMF capabilities (Col. 3, lines 21-28, Figure 1, label 5 and Figure 2, label 25). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add remote base units and DTMF capabilities for converting keypad signals into DTMF tones using a remote base unit as taught by **Couse's** invention in order to provide communication using conventional telephone signaling.

As to Claims 4-5, **Peterson** teaches a device as claimed in Claim 1 wherein said connection between said computer and said remote cordless base unit comprises a computer sound card;

Peterson does not teach the following limitation:

“an RS232 for the ring and status signal”

However, it is obvious that **Peterson** suggests an RS232 capability. This is because **Peterson** teaches external base units and I/O for receiving the external base unit connection (Col. 9, line 67 through Col. 10, line 3). **Couse** teaches a remote cordless base unit integrated externally with a computer using RS232 (Col. 2, lines 11-20). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add remote RS232 capability for integrating computers with remote base units as taught by **Couse's** invention in order to provide communication using a suitable connection.

As to Claim 15, **Peterson** teaches a device as in Claim 1 further comprising:

Peterson does not teach the following limitations:

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“the functions of voicemail navigation, or selections from a telephone system auto-attendant”

Couse teaches voicemail and auto attendant capabilities (Col. 2, lines 1-7, 20-24,31-35). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voicemail or auto attendant capability to **Peterson's** invention for adding user control while in the home as taught by **Couse's** invention in order to allow users to build on investments already made.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen (US 6,438,384) teaches cordless phones with base units which can communicate over the Internet.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Allan Hoosain

Allan Hoosain

Primary Examiner

5/3/04